

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Chichester School District) File No. SLD-123978
Boothwyn, Pennsylvania)
)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
)
Changes to the Board of Directors of the) CC Docket No. 97-21 ✓
National Exchange Carrier Association, Inc.)

2000 DEC 15 P 3:19
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ORDER**Adopted: December 11, 2000****Released: December 12, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau (Bureau) has under consideration a Letter of Appeal filed by the Chichester School District (Chichester), Boothwyn, Pennsylvania on May 10, 2000, pursuant to section 54.719(c) of the Commission's rules.¹ Chichester seeks review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company denying Chichester's request for funding due to failure to provide documentation requested by SLD's Program Integrity Assurance (PIA) team.² For the reasons discussed below, we grant the appeal and remand to SLD.

2. By letter dated November 9, 1999, SLD denied Chichester's request for a discount on the cost of internal connection services, Funding Request Number 190250, because of insufficient documentation.³ Chichester appealed, stating that on October 18, 1999, it responded via facsimile to an information request from Don Mark in SLD's Kansas office, and that in a

¹ Letter from Joyce Voshell on behalf of Chichester School District to Office of the Secretary, FCC, filed May 10, 2000 (Letter of Appeal). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² The PIA team reviews FCC Form 471 applications, which notify SLD of applicants' vendor selections and describe the services for which funding is requested, to determine the eligibility of such services for funding. See www.sl.universalservice.org/apply/step6.asp.

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to James Sauers on behalf of Chichester School District, dated November 9, 1999.

subsequent telephone conversation, Mark confirmed receiving the fax and putting it with Chichester's paperwork before forwarding it to SLD's New Jersey office.⁴ Chichester noted that James Sauers, the contact person listed on Block I of its FCC Form 471, "is no longer employed by the Chichester School District. If the SLD requested anything else from Chichester we did not receive[] it." SLD denied the appeal, stating that "PIA contacted James Sauers and Matt Cordrey on 10-21-99 and the [application] was denied on 11-3-99. During this period, applicant failed to provide the requested documentation for determining the eligibility of this item[.]"⁵ In the instant Letter of Appeal, Chichester repeats its previous arguments and states that, as of July 1, 1999, Sauers and Cordrey no longer worked for Chichester, and Joyce Voshell's name appeared on all correspondence related to the application.

3. Examination of the record indicates that SLD's decision on appeal is inconsistent with its subsequent decision granting a separate appeal by Chichester based on identical circumstances. Chichester simultaneously filed two Form 471 applications for discounts on the cost of a new telephone system: the subject application (for internal connections); and a separate application for other telecommunications services, Funding Request Numbers 190149, 190156, and 190165 (SLD-122857).⁶ SLD's Problem Resolution team contacted Joyce Voshell on October 13, 1999, and requested the same missing documentation (Form 471 Items 14 and 17) for both Chichester applications. SLD subsequently denied both applications because of insufficient documentation, and Chichester appealed both decisions on the grounds set forth above. Although SLD denied Chichester's appeal concerning the subject application, it subsequently granted Chichester's appeal concerning the other application, stating that "[y]our appeal has been granted because it is not clear who was contacted initially for the missing documentation."⁷ Because these two decisions based on the same circumstances are inconsistent, we shall remand to SLD for further consideration.

⁴ Letter from Joyce Voshell on behalf of Chichester School District to Schools and Libraries Division, filed November 22, 1999. The PIA team operates from SLD's New Jersey office. Don Mark is a member of SLD's Problem Resolution team, which contacts applicants for information necessary to enter Form 471s into the SLD data system before the PIA team reviews the applications. See www.sl.universalservice.org/apply/step6.asp.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joyce Voshell on behalf of Chichester School District, dated April 11, 2000.

⁶ See FCC Form 471 Instructions—December 1998, Page 5 ("You may file more than one FCC Form 471. For example, you may file one FCC Form 471 for internal connections, one for Internet access, one for high bandwidth video conferencing, and one for other telecommunications services. Alternatively, you may file a single FCC Form 471 that includes any combination of these services.").

⁷ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joyce Voshell on behalf of Chichester School District, dated June 12, 2000.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by Chichester School District, Boothwyn, Pennsylvania on May 10, 2000 IS GRANTED to the extent provided herein. We direct the Schools and Libraries Division to review Chichester's funding application and, if warranted, to issue a revised Funding Commitment Decision Letter in accordance with the above-stated decision.

FEDERAL COMMUNICATIONS COMMISSION


Carol E. Matthey
Deputy Chief, Common Carrier Bureau